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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,853	08/04/2000	Theodore Rappaport	0256033AA	2273

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EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,853

Applicant(s)

RAPPAPORT ET AL.

Examiner

Carlos Ortiz-Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,8,11,16,18,19 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,9,10,12-15,17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 5, 7-8, 11, 16, 18-19 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 6, 9-10 and 12-15, 17, and 20-21 rejected under 35 U.S.C. 102(a) as being anticipated by “EAC-50 Repeater System for In-Building Coverage”, Installation and Operation Manual, Allen Telecom Company, 2000 (Referred to as EAC-50).

Regarding claim 1 and 12, EAC-50 discloses a computer implemented method for designing or deploying a communications network, comprising the steps of: providing a computerized model which represents a physical environment in which a communications network is or will be installed, said computerized model providing a display of at least a portion of said physical environment (see for example the computerized model of the building that appears in Figure 1); providing attributes for a plurality of system components which may be used in said physical environment (see for example donor antennas and coverage antennas disclosed in pages 14-15 and also see “Parts List” disclosed in page 12); selecting

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specific components from said plurality of system components for use in said computerized model (The section of “Antenna Options” provides various components (antennas) for a customer to select. The computerized model of Figure 1 for example, demonstrates the selection of the ASP-998 and the ASP-3561 antennas); representing said selected specific components in said display (see for example Figure 1) and if said attributes of said system components will prevent the proper installation or operation of a communications network formed from said selected specific components, providing an indication of a fault in one or more design parameters of said communications network (see for example, “Action/Solution Required on BDA Status/Alarms”).

Regarding claim 2 and 13, the method wherein said attributes include performance attributes and further comprising the step of running prediction models using the computerized model and said performance attributes to predict performance characteristics of a communications network composed of said selected specific components if said attributes of said system components do not prevent the proper installation or operation of said communications network is inherent to EAC-50, see for example page 5 and page 7.

Regarding claim 3 and 14 discloses the method wherein said attributes include frequency dependent characteristics of said selected components and said prediction models utilize said frequency dependent characteristics in calculations which predict said performance characteristics of said communications network (see for example page 7 sections regarding “Radial Distance from Interior Antenna”).

Regarding claim 4 and 15 the method further comprising the step of generating a bill of materials containing cost information for said selected specific components utilized in said communications network is inherent to EAC-50.

Regarding claim 6 and 17, EAC-50 discloses the method wherein said display is three dimensional (see Figure 1).

Regarding claim 9-10 and 20-21, EAC-50 discloses the method wherein said fault results from improper connections between two or more of said selected specific components (see for example section " Action/Solution Required on BDA Status /Alarms", distance between components is too close).

Response to Arguments

Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive. As requested by applicant the typographical error regarding the rejection under 35 U.S.C. 102(b) has been corrected. As stated by applicant the EAC-50 reference appears to have a publication date of June, 2000 requiring a rejection under section 102(a), therefore it should be noted that a Non-Final Action has been granted.

Applicants argue that in order to create the EAC 50 product specification sheet one would have to use different people and different pieces of software and different drawing programs. This argument is not persuasive as applicants fail to point out why the claimed method/apparatus

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would not include using different people and different pieces of software and different drawing programs.

Applicant further argue that the method taught by the EAC 50 reference requires a Computer Aided Design program, a program like "Matlab" and a program like "Excel". From this argument it seems like the EAC 50 reference method is also a computer implemented method. Applicant's arguments also state that the EAC 50 specification sheet alone does not teach HOW the various drawings and parts lists were created. However, applicant seems to recognizes that any ordinary skill in this art will agree that the drawings in the EAC 50 reference were created by a computer aided program and that propagation models were utilized to compute the proper path loss contours or coverage zones..

Applicants argue that the EAC reference does not teach whatsoever a computer-implemented method or system for designing or deploying a communication. It is clear from the EAC 50 reference that the user has the option of choosing different components to design the communication network.

The argument that the EAC reference does not indicate results for a specific design for a specific environment, it should be noted that this limitation is not claimed. The argument that the claimed invention allows any specific building or campus or outdoor communications network to be specifically designed with indication of design faults, it should be noted that this limitation could not found in the claims. The arguments that the claimed invention integrates all the capabilities mentioned above into a single computerized platform providing an unprecedented ease for design and deployment of wireless networks, it should be noted that this limitation could not found in the claims.

From the arguments submitted on 11/12/04 it seems that the applicant and the EAC reference both reach the same end result (designing/deployment a communication network) utilizing a computer implemented method. Finally, it should be noted that there are no specific essential steps or elements in the claims that would clearly specify that the invention is one single computerized platform and more importantly how these specific steps or elements interconnect/interact in order for the single computerized platform to function as a single computerized platform.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (571) 272-3747. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703)308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

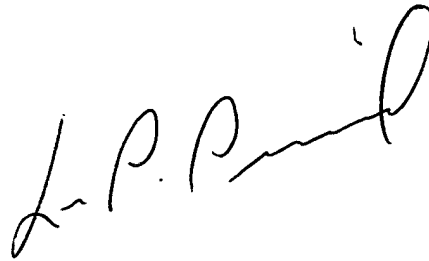
Carlos Ortiz-Rodriguez

Patent Examiner

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cror

February 3, 2005

A handwritten signature in black ink, appearing to read "L. P. Picard". The signature is fluid and cursive, with the first name "L." and last name "Picard" clearly distinguishable.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**